

# EXHIBIT 26

Hunters Capital, LLC v. City of Seattle

Idris Beauregard

Page 1

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

---

HUNTERS CAPITAL, LLC, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 20-cv-00983-TSZ
	)	
CITY OF SEATTLE,	)	
	)	
Defendant.	)	

---

VIDEOTAPED VIDEOCONFERENCE DEPOSITION UPON ORAL  
EXAMINATION

OF

IDRIS BEAUREGARD

---

(All participants appearing via Zoom videoconference.)

Taken at  
Seattle, Washington

DATE TAKEN: July 14, 2022

REPORTED BY: KATHLEEN HAMILTON, RPR, CRR, CCR 1917

BUELL REALTIME REPORTING, LLC  
206.287.9066 | 800.846.6989

Hunters Capital, LLC v. City of Seattle

Idris Beauregard

Page 7

1 A. The opioid producers.

2 Q. Okay.

3 What is your current position at the City of  
4 Seattle?

5 A. I'm a deputy director at Seattle Public  
6 Utilities, SPU.

7 Q. And when did you start that position?

8 A. January of 2021, yep.

9 Q. Okay. And so immediately before that, what was  
10 your position at the City?

11 A. I was a division director for the Clean Cities  
12 division.

13 Q. And when did you -- when did you start that  
14 position?

15 A. Probably 2018.

16 Q. Okay. And what did you do as division director  
17 of Clean Cities?

18 A. So I was responsible for managing, coordinating,  
19 creating strategies for activities such as illegal  
20 dumping, litter cleanup, graffiti removal, sharps  
21 removal, public place litter, and recycling cans. Just  
22 all the services that SPU provided relating to cleaning  
23 up communities.

24 Q. Okay.

25 And so how -- were you at the City of Seattle

Hunters Capital, LLC v. City of Seattle

Idris Beauregard

Page 108

1 Q. And that was your City-issued phone; right?

2 A. Yes.

3 Q. What can you tell me about what you remember  
4 about it resetting?

5 A. I remember it not letting me go in the phone,  
6 and it said that I was locked out.

7 Q. Okay. And did you -- did you have fingerprint  
8 identification enabled on your phone?

9 A. The finger --

10 (Inaudible due to crosstalk.)

11 THE WITNESS: I'm not -- it's difficult to  
12 say if I had it or not.

13 (Inaudible due to crosstalk.)

14 THE WITNESS: What I did have was I knew I  
15 wrote -- I had my password written down on paper, on a  
16 sticky note taped to my computer.

17 BY MR. WEAVER:

18 Q. Okay. Do you recall if you ever, in October  
19 2020 or before then, had used your fingerprint to enter  
20 your phone?

21 A. I don't recall. I know I have it now, so  
22 it's -- it's hard for me to say if I had it then or now.

23 Q. So you don't recall whether you tried to use  
24 your fingerprint at that point?

25 A. No, I don't.

1 Q. Okay. So that was after you had put the code  
2 in, gotten some delays, and then kept putting it in  
3 until it told you you had no more attempts; is that  
4 right?

5 A. Yes.

6 Q. All right. How did you -- how did you know that  
7 you were locked out?

8 A. Whatever on the screen said I was locked out.

9 Q. Okay. What time of day was that, if you know?

10 A. I was in the office, so it was in the day -- I  
11 don't know the exact time.

12 Q. Do you know if it was in the after- -- a Friday  
13 afternoon?

14 A. It could have been.

15 Q. Okay. Do you know if it was October 9th? Does  
16 that ring a bell?

17 A. I had provided some information -- it might have  
18 been. I know I called IT the same day. So if there's  
19 an IT ticket on the 9th, then that was the day.

20 Q. Okay. So what happened when you contacted IT?

21 A. IT just gave me some feedback. And they said,  
22 We're gonna work with Apple.

23 And they tried to do whatever IT does in order  
24 to see what the issue was and if we can do a  
25 work-around.

1 Q. And do you recall who you talked to at IT?

2 A. No.

3 Q. What... did your phone reset at any point --

4 A. Yes.

5 Q. -- before you talked to IT?

6 A. No.

7 MR. CRAMER: Yeah.

8 THE WITNESS: No.

9 BY MR. WEAVER:

10 Q. Okay. Did you -- do you know if your phone had  
11 been set so that, if you had a certain number of false  
12 inputs, it would automatically reset?

13 A. No.

14 Q. Had you recently changed your password?

15 A. On my phone now?

16 Q. No. As of the time this happened in October of  
17 2020, you said you had your password written down on a  
18 sticky note that was on your computer; right?

19 A. I could have. When it prompts me to change my  
20 password, I change my password. It might have been.

21 Q. Okay. But as far as -- had you been able to get  
22 into your phone earlier that day?

23 A. I would assume, yes.

24 Q. And you don't know if you used your fingerprint  
25 or if it was the pass code that you used; is that right?

1       A.     That's correct, because I use the fingerprint  
2     now, so...

3       Q.     Okay. So you don't -- do you remember -- do you  
4     remember if it was right after you got locked out that  
5     you called IT?

6       A.     I don't remember if it was right after.

7       Q.     Could it have been later that day?

8       A.     It could have been, yes.

9       Q.     Okay.

10            Do you recall talking to anybody else other than  
11     IT about the fact that you'd been locked out of your  
12     phone?

13       A.     I think I called -- like I mentioned, I talked  
14     to admin, someone -- an admin about the lockout and what  
15     options do I have, and that's partly -- I think they  
16     also mentioned call -- I could call Apple directly.

17       Q.     So who in admin do you -- did you talk to, if  
18     you remember?

19       A.     I believe it was my senior EA at that time.

20       Q.     Who's -- what's a senior EA?

21       A.     That's an administrative assistant.

22       Q.     Okay. And that might have been -- I think you  
23     said you think it might have been, at that time,

24     Ms. Chow?

25       A.     Yes.

1 Q. And did you call Apple?

2 A. I did.

3 Q. When did you call Apple?

4 A. Probably that same day.

5 Q. What did Apple say?

6 A. They gave me some options about... it was just a  
7 little bit, something about going onto my Apple ID and  
8 changing it. I don't know off the top of my head what  
9 their instructions were, but they had a few instructions  
10 that I should do in order to retrieve the pass code.

11 Q. And did you -- did you follow the steps that  
12 they told you to take?

13 A. I did.

14 Q. And did it work?

15 A. No.

16 Q. At that point, had you already been locked out  
17 of your phone?

18 A. Yes.

19 Q. So then what happened after you talked to IT,  
20 Apple, and Mrs. Chow?

21 A. Well, I made the initial -- I put an IT ticket  
22 in. First, when I called IT, it was a ticket. And then  
23 they eventually called me back. And, again, nothing --  
24 there was nothing that would -- that happened to resolve  
25 the issue. So the phone was still locked out.



Hunters Capital, LLC v. City of Seattle

Idris Beauregard

Page 121

1 Q. Do you know whether there were any pictures from  
2 2020 on your phone when it reset?

3 A. Not that I can remember.

4 Q. Okay.

5 Aside from your contacts and some photos, what  
6 other information or data showed up after the reset on  
7 your phone?

8 A. That's all I can remember. It's usually the two  
9 things that I would use is the contacts, the photos, and  
10 there's not too much I would use else for the phone for.

11 Q. Okay. Any apps that you had on your phone at  
12 all, did they come back?

13 A. They may have. I -- I wasn't being extra  
14 attentive to everything when the -- I was just happy  
15 that my phone unlocked at that point.

16 Q. Okay. Did you have to put in a pass code for  
17 it before it reset?

18 A. I had to create a new pass code.

19 Q. After it had reset?

20 A. Uh-huh.

21 Q. Tell me everything you can remember about you  
22 seeing -- when you noticed it was resetting. What first  
23 gave you the indication that it was resetting?

24 A. It was a -- it was more of the screen.  
25 Something was happening with the screen that caught my

Hunters Capital, LLC v. City of Seattle

Idris Beauregard

Page 122

1 eye, because the phone was sitting next to my computer.  
2 And I started paying attention, and that's when I  
3 noticed that it was resetting.

4 Q. Were you at home when this happened?

5 A. No, I was at work.

6 Q. So you were at work when it reset?

7 A. Yes.

8 Q. Is that right?

9 A. Yes.

10 Q. Do you know whether you -- have you ever given  
11 access to your -- your iCloud account to anybody at the  
12 City to try to see what they can recover from your  
13 phone?

14 A. I may have when I called IT, and we -- I talked  
15 to IT, I may have gave them access so they could walk  
16 through it with me.

17 Q. How about anybody after that?

18 A. Only the attorneys that were trying to piece  
19 together information for this.

20 Q. You gave them access to your iCloud account?

21 A. Yes, we -- whoever.

22 THE WITNESS: Who was that? Shane?

23 MR. CRAMER: I'm going to ask that you not  
24 testify to anything that you talked to the attorneys  
25 about.

Hunters Capital, LLC v. City of Seattle

Idris Beauregard

Page 132

1 Do you recall manually deleting any messages  
2 during that time period?

3 MR. CRAMER: Objection. Form.

4 THE WITNESS: I don't recall deleting any  
5 messages that were sensitive to the litigation hold, no.

6 BY MR. WEAVER:

7 Q. Okay. Were there messages that you deleted,  
8 whether they were sensitive to the litigation hold or  
9 not, between October 9th, 2020, and March 2021?

10 A. There could have been.

11 Q. What sort of messages would you have possibly  
12 deleted from your phone during that time period?

13 MR. CRAMER: Objection. Form.

14 Go ahead.

15 THE WITNESS: Just casual -- like just  
16 general messages that were... simple. They're just --  
17 it's hard to think about them now at the moment, but  
18 yeah, just general simple messages that didn't have --  
19 pertain to anything that had to do with work or  
20 something as sensitive as that I felt I needed to keep.

21 BY MR. WEAVER:

22 Q. Do you know what the City policy was at that  
23 time about whether you should keep all messages or  
24 whether you should keep only certain messages that you  
25 believe were important?

1 A. Not... not on those type of messages, no.  
2 Sometimes they have to do with a football game or  
3 something. No, so I didn't know what the City policy  
4 was to that.

5 Q. Okay. Why would you delete messages about a  
6 football game from your phone?

7 A. It just -- they were just general messages that  
8 I felt like weren't needed.

9 Q. Well, do you think -- do you delete messages,  
10 other than personal messages, from your work cellphone?

11 A. No. What do you mean "personal messages"?

12 Q. Okay. I assume the messages about the football  
13 games -- were those personal messages or were those  
14 work-related messages?

15 A. Well, they --

16 MR. CRAMER: Objection. Form.

17 Go ahead.

18 THE WITNESS: Well, they might have came  
19 from somebody in the City that I work with, so they  
20 weren't necessarily in the topic of work.

21 BY MR. WEAVER:

22 Q. Okay. So there might have been communications  
23 between you and other City -- City of Seattle employees  
24 that you would have deleted from your phone between  
25 October and March of 2020; is that right?

Hunters Capital, LLC v. City of Seattle

Idris Beauregard

Page 178

C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

I, Kathleen Hamilton, a Certified Shorthand Reporter and Notary Public in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of IDRIS BEAUREGARD, having been duly sworn, on JULY 14, 2022, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 22ND day of JULY, 2022.



KATHLEEN HAMILTON, RPR, CRR, CCR #1917

**WITNESS:** Idris Beauregard

## CORRECTIONS

None needed.

[illegible]

Seldis George  
Signature of Deponent



## DECLARATION

**CASE NAME:** Hunters Capital, LLC v. City of Seattle

**DATE TAKEN:** 7/14/2022

**WITNESS:** Idris Beauregard

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the ERRATA flyleaf page hereof.

  
Idris Beauregard

Signed on the 16 day of August, 2022.